

Gateway Determination

Planning proposal (Department Ref: PP_2018_PENRI_009_00): to increase the maximum building height to part 12m and 24m and the floor space ratio to 3.5:1 for land at 351 and 359 High Street, Penrith.

I, the Director, Sydney Region West at the Department of Planning and Environment, as delegate of the Minister for Planning Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Penrith Local Environmental Plan (LEP) 2010 to amend the maximum building height for land at 351 and 359 High Street, Penrith from 12m to a split height control of 12m over the Australian Arms Hotel heritage item and 24m over the remainder of the site, and increase the maximum floor space ratio from 3:1 to 3.5:1 should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the planning proposal as follows:
 - (a) include the number of additional jobs facilitated by this planning proposal; and
 - (b) include a legend for the current and proposed maps in Part 2 of the proposal.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Roads and Maritime Services;
 - Transport for NSW;
 - Office of Environment and Heritage;
 - Sydney Water;
 - Telstra; and
 - Endeavour Energy.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 10th day of May 2019.



Ann-Maree Carruthers
Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning and
Public Spaces